

5m

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/670,585	LIU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James J. Leybourne	2881	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received 20 December 2004.
2. ☒ The allowed claim(s) is/are 44,47-54,56-59 and 61-76.
3. ☒ The drawings filed on 25 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

- Attachment(s)**
- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>10/28/04, 12/28/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material   | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.  |

**DETAILED ACTION**

1. According to the "Amendment" received 20 December 2004, claims 44, 54, 64 and 67 have been amended; claims 45, 46, 55, and 60 have been canceled; and claims 69-76 have been added and the title has been changed.

***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 47, line 1, "46" was changed to -- 44 --.

In claim 55, line 1, "55" was changed to -- 54 --.

3. Authorization for this examiner's amendment was given in a telephone interview with Jonathon Blanchard on May 19, 2005.

***Response to Arguments***

4. Applicant's Remarks received 20 December 2004 have been fully considered and are persuasive.

***Allowable Subject Matter***

5. Claims 44, 47-54, 56-59 and 61-76 are allowed.

6. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 44, the prior art fails to teach or fairly suggest a method for fabricating a SPM comprising forming a structural layer on a substrate with a sacrificial layer between the structure and the substrate, forming an adhesion layer on the structural layer, forming a handle on the adhesion layer and selectively removing the structural layer from the substrate.

Claims 47-53, 61, 75 and 76 are allowed by virtue of their dependency on claim 44.

Regarding independent claims 54 and 64, the prior art fails to teach or fairly suggest a method for fabricating SPM tips or an apparatus comprising SPM tips wherein the tip and the beam are different non-polymeric materials and specific polymers, such as elastomers, siloxanes, imides, and parylenes, which are not the epoxy-based photoresists materials.

Claims 56-59, 62, 63, 71 and 74 are allowed by virtue of their dependency on claim 54.

Claims 65-69 and 73 are allowed by virtue of their dependency on claim 64

Regarding independent claims 70, 72, and the prior art fails to teach or fairly suggest the tip and beam to be made from the same material wherein the material a

non-polymeric material selected from specific polymers, such as elastomers, siloxanes, imides, and parylenes, which are not the epoxy-based photoresists.

The main feature that separates the invention apart from prior art is the use of materials that are on-polymeric materials elected from specific polymers, such as elastomers, siloxanes, imides, and parylenes, which are not the epoxy-based photoresists.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance"

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Leybourne whose telephone number is (571) 272-2478. The examiner can normally be reached on M-F 9:00- 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on (571) 272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

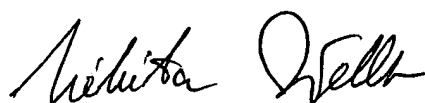
Application/Control Number: 10/670,585  
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NIKITA WELLS  
PRIMARY EXAMINER

05/24/05

May 20, 2005

JJL